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Policy Gaps and Opportunities: A Systematic Review of Autism Spectrum Disorder and Criminal Justice Intersections

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Abstract

Autism Spectrum Disorder (ASD) prevalence is rising, and as this population enters adulthood, preliminary research has identified high rates of contact with the criminal justice system (CJS). Policy and programmatic reform are crucial given reported negative and violent outcomes for autistic individuals when encountering the CJS. Given the size and scope of the entire CJS, identifying priorities and opportunities for change is critical, and must be rooted in evidence-based findings to maximize impact and scalability. This paper provides a systematic review of the literature on ASD and CJS intersections, analyzed through a convergent qualitative synthesis. As the extant literature is diverse and employs a variety of study methods, this review allows for an analysis across study types. The Preferred Reporting Items for Systematic Reviews and Meta-Analysis (PRISMA) structure was utilized and captured 89 total articles from six databases. Studies are grouped by the Sequential Intercept Model (SIM), which offers a framework for analyzing CJS dimensions, and informs where research at the intersection of ASD and CJS is most prevalent. Themes were identified at each Intercept and described through key study findings to articulate implications and guidance for policy, practice, and future research to promote equitable justice for autistic individuals.

Keywords: autism, criminal justice, victim, policy, systematic review, community, police, prison, courts

Policy Gaps and Opportunities: A Systematic Review of Autism Spectrum Disorder and Criminal Justice Intersections

Core features of autism spectrum disorder (ASD), including social and communication differences, restrictive and repetitive interests, and sensory sensitivities (American Psychiatric Association, 2013) can place autistic individuals at increased risk for criminal justice system (CJS) interactions. News stories have reported on interactions between autistic individuals and the police where autistic individuals have been hurt or killed. (Treisman, 2020; Waller, 2021). In addition, emerging research has identified negative short- and long-term outcomes, including stress, anxiety, and trauma, across all avenues of CJS contact (Copenhaver & Tewksbury, 2019; Holloway et al., 2020; Maras et al., 2017; Salerno & Schuller, 2019). These outcomes are prompting calls from ASD advocacy groups and parents and caregivers of autistic individuals for CJS changes rooted in proven practices. Given the surging momentum for CJS reform (Long & Fingerhut, 2020), timing is critical to include autistic individuals in research and policy advancements that are focused on ensuring equitable justice.

A growing, but limited, international research base suggests that autistic individuals come into contact with the CJS at high rates (Farley et al., 2018; Lunskey et al., 2015; Rava et al., 2017; Tint et al., 2017; Tint et al., 2019; Turcotte et al., 2018). For some autistic individuals this is a result of potential offending behavior (King & Murphy, 2014), but for many this contact is a result of being a victim of crime(s) (Christoffersen, 2019; Richardson et al., 2016; Weiss & Fardella, 2018). The implications of this extant research, however, are impeded by the lack of an organizing framework to guide future research, policy, and practice. This has led to piecemeal approaches that do not consider the CJS as a system built on separate, yet interconnected entities.

Although important distinctions exist by jurisdiction and country, across the world criminal justice systems are characterized by a collection of independent entities (e.g. police departments, courts, prisons) that often lack alignment and even compete over a limited amount

of resources (Borakove et al., 2015; Dandurand, 2009). When CJS research is not attuned to these nuances, its implications lack practicality and may further reinforce existing CJS silos (Borakove et al., 2015; Dandurand, 2009). As such, previously published systematic reviews aimed at synthesizing the literature have been disconnected to this larger socio-political context. For instance, King and Murphy (2014) focused on ASD prevalence and offending behavior without considering impactful community factors and correlates. Railey et al. (2020) explored ASD training for CJS officers, determining that there may be potential benefits but that evaluating their effectiveness is challenging. Meanwhile, Allely and Cooper (2017) examined sentencing of defendants with ASD, uncovering inconsistencies in how ASD is interpreted in courtrooms, but their review did not examine why autistic individuals are entering courtrooms. Altogether, no study has systematically compiled existing research across the entire scope of the CJS to provide evidence to inform priorities for policy, practice, and research advancements.

The Sequential Intercept Model (SIM) is a framework for organizing research on CJS involvement, and has been used to categorize intervention development, research, and policies surrounding the involvement of persons with serious mental illness in the CJS (Munetz & Griffin, 2006). Developed to address the overrepresentation of incarcerated individuals with serious mental illness, the SIM identifies 6 Intercepts, or points of contact with the CJS, where intervention could divert individuals from further involvement (Policy Research Associates). Intercepts begin at 0 (Community Services) through Intercept 5 (Community Corrections). While the model has historically been used as a tool to organize coordinated and cross-system community responses, the SIM delineates the distinct points of the CJS, offering significant utility for advancing research across each component of the CJS.

The [blinded for peer review] revised the SIM for ASD to represent that individuals interact with the CJS both as accused offenders and victims of crime, and Intercept points were regrouped to represent policy and programmatic challenges autistic individuals experience in the CJS. While the original SIM has been predominantly used for community mapping, the

revised version is used to provide structure for research and policy advancement that maximize impact and efficiency (Shea et al., 2021). A consortium of community stakeholders, including autistic individuals, parents and caregivers of autistic individuals, criminal justice professionals, policymakers, and researchers collaborated to guide revisions. Particular attention was paid to including and elevating diverse voices, such as Black, Indigenous, and People of Color (BIPOC) individuals, and stakeholders from nations around the world. These revisions occurred prior to this study. This revised SIM separated Intercept 3, formerly the Courts/Prisons Intercepts, into two separate Intercepts, to include seven total Intercepts. Intercept 0 is Community Services, Intercept 1 covers Law Enforcement, Intercept 2 captures the Initial Detention and Investigation, Intercept 3 includes Courts, Intercept 4 became Prisons/Jails/Confinement, Intercept 5 is Re-entry to Society, and Intercept 6 encompasses Community Corrections.

A key first step in using the revised SIM to advance research around ASD and CJS involvement is to systematically review and synthesize the literature using this model. As such, the goal of this study was to conduct a systematic review of ASD and CJS literature and use the revised SIM as an overarching framework to: (1) categorize where ASD and CJS research has emerged within the SIM organizational structure; (2) identify themes in research findings at each intercept, and (3) articulate policy and practice implications and guidance for future research based on the themes that improve, reduce, and prevent CJS interactions for autistic individuals. By categorizing the literature, existing research gaps emerge, while the generated themes synthesize the evidence-base and offer a roadmap for policy, practice, and research prioritization.

Methods

Search Strategy

This review was developed using the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) guidelines (Moher et al., 2009; Moher et al., 2015) and was registered with PROSPERO at the National Institute for Health Research in the United Kingdom.

Figure 1 illustrates the full search strategy. A systematic search of PubMed, Scopus, Web of Science, Criminal justice Abstracts, the National Criminal Justice Reference Service, and the Rutgers Law Library databases were conducted to capture articles indexed across different databases (see Supplementary Table 1). Search terms were generated through the Population, Intervention, Comparison, Outcome (PICO) method that categorizes the population, intervention, comparison, and outcome to identify search terms (see Supplementary Table 2) (Methley et al., 2014). Search terms and number of articles yielded by database are listed in Supplementary Table 1. The Boolean operators AND and OR were used to link ASD to interventions, comparators, and outcomes in the search.

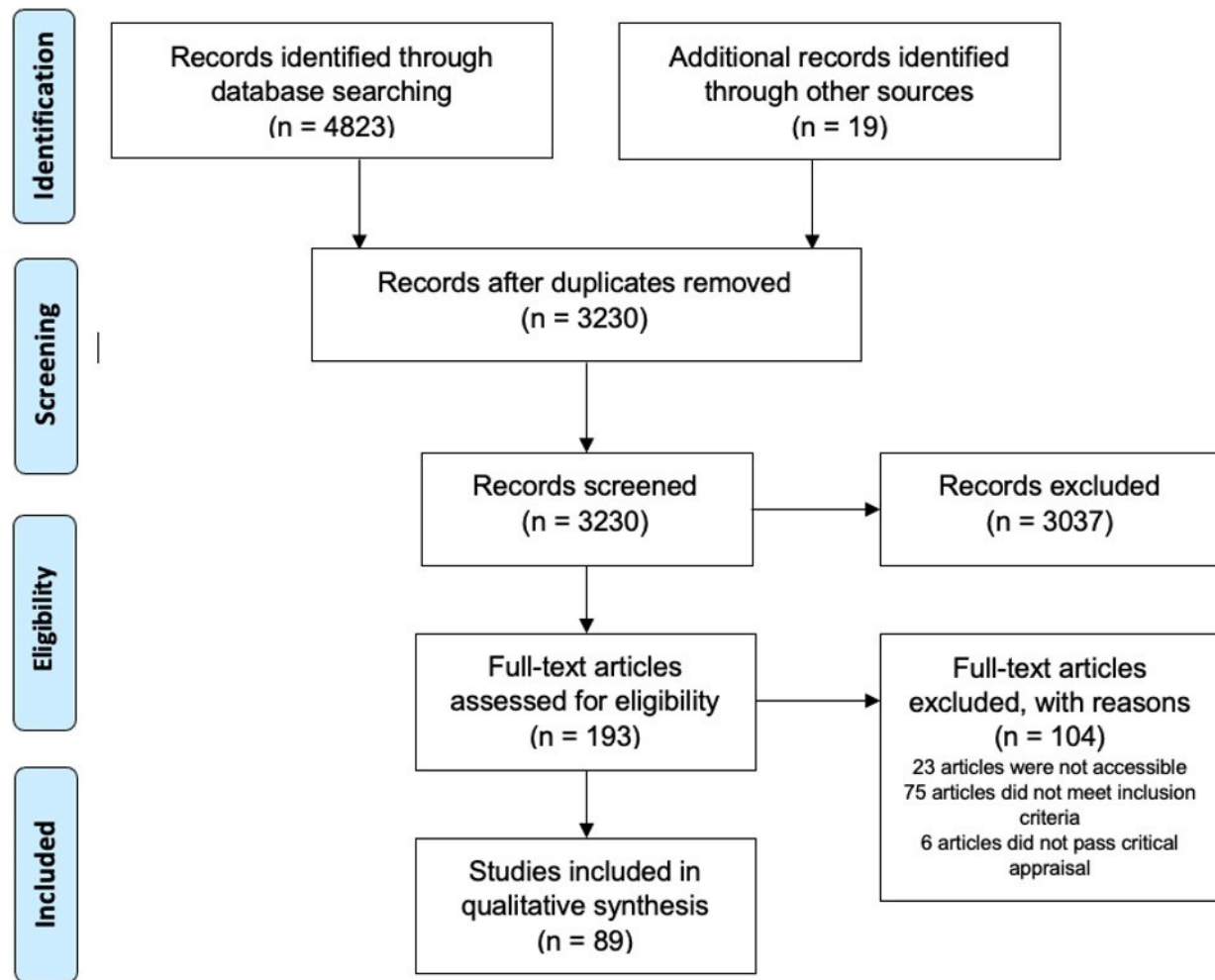
Eligibility Criteria

Articles were included if any of the following criteria were met: (a) clearly defines and explores a specific problem regarding ASD in the CJS; (b) addresses a potential policy intervention directed at ASD in the CJS; (c) assesses the efficacy of an ASD-specific or relevant criminal justice policy, including but not limited to implementation efforts; (d) provides an innovative approach to examining aspects of criminal justice interaction for autistic individuals; (e) focuses on the experience of either an autistic individual involved in the CJS, or justice professionals who have interacted or may interact with autistic individuals; (f) examines community-based interventions for reducing and preventing the overrepresentation of ASD in the CJS; (g) analyzes the prevalence of CJS interactions for autistic individuals, or law enforcement encounters with ASD; or (h) details any training or intervention a justice professional receives related to ASD. Item b was amended after the search to include articles that address or have implications for a potential policy intervention directed at ASD in the CJS in order to capture articles that suggest their findings have direct ramifications to the CJS. Articles were excluded if they met any of the following criteria: (a) not published in English; (b) reported on psychopathy and criminality as a feature of ASD; (c) dissertations and reviews; or (d)

published before 1995. This year was chosen on the basis that research within the past 25 years would have stronger implications and relevancy for current policy and practice.

Figure 1

PRISMA Flow Diagram.



Initial Screening

Titles and abstracts for each article were exported and duplicates were removed for a final count of 3,230 articles (Figure 1). Two members of the research team independently screened search results based on the titles and abstracts and excluded studies that did not meet predetermined eligibility criteria. Disagreements were discussed with a third member of the research team until consensus was reached. In total, 193 articles were captured with 3,111

agreements for an inter-rater reliability of 96.3%. Twenty-three articles were removed upon review due to missed duplicates, missing web page addresses, or articles for which a PDF could not be accessed, leaving 170 articles for full-text review.

Full-Text Screening

Four research team members participated in the full-text screening phase where each article was reviewed separately by at least two members of the research team. Two reviewers agreed on the inclusion status of 143 articles for an inter-rater reliability of 84.1%. Common sources of disagreement included articles that focused on autistic symptoms or traits and not a true ASD diagnosis, and research on psychopathy and criminality as a feature of an ASD. The four reviewers used consensus coding techniques for the 27 articles where the two reviewers experienced initial disagreements related to the study's eligibility. In total, the final article count after full-text screening was 95.

Critical Appraisal

Before data was extracted, four members of the research team used the Mixed Methods Appraisal Tool (MMAT) developed by McGill University (Hong et al., 2018) to systematically check each article for biases. The tool asks, "Are there clear research questions?" and "Do the collected data allow to address the research questions?" along with specific questions depending on the study method. The MMAT does not calculate an overall score from article appraisal, but if either of the first two questions were answered with "No" or "Can't tell" the team discussed the article inclusion in the study to reach consensus. This process removed six articles, for a final study total of 89 articles.

Data Extraction

Data was extracted from the 89 articles (six articles removed from the sample after critical appraisal) by four members of the research team, with two members per article. A data extraction tool captured: author(s), publication year, title, country of origin, publication source, inclusion criteria, SIM Intercept(s) of focus, population(s) of focus, intervention or focus,

methodological approach, study participants, data collection process or data source(s), method for data analysis, findings, recommendations or implications, limitations, and a qualitative code of the study's focus to summarize each article. A member of the research team organized the extracted data into a single Microsoft Excel spreadsheet for the analysis. However, since Intercept placements are the organizing framework for this review, their placements were further confirmed by three members of the research team recoding each article. Interrater reliability for this coding was 92.1%, and disagreements were again resolved using consensus procedures. Research may span multiple Intercepts. For instance, a study may follow autistic individuals throughout the entirety of the CJS. Therefore articles were coded at each impacted Intercept.

Analysis

The goal of this systematic review was to categorize research findings by Intercept and identify themes in the research findings both within and across each criminal justice Intercept to guide policy, programmatic development, and future research. Therefore a convergent qualitative synthesis was conducted to simultaneously analyze qualitative, quantitative, and mixed methods research findings (Noyes et al., 2019; Pluye & Hong, 2014; Popay et al., 2006). This method of analysis has been previously used in broad systematic reviews (Bélanger et al., 2011; Motyer et al., 2021) as it integrates all included study designs under a single analysis by transforming the results of each included study into textual data that can be synthesized using qualitative data analyses. This conversion, as noted above, was conducted by assigning a descriptive qualitative code to the findings of each article. An inductive thematic analysis was utilized to identify categories of research results within each Intercept. Consensus coding techniques were used throughout the analysis process (Hill et al., 2005; Hill et al., 1997). Results were organized by Intercept to include study populations, methodologies, identified themes, and commonly referenced recommendations and implications, and limitations. A qualitative narrative synthesis of the identified themes is used to articulate the results to contextualize the extant research on ASD and CJS intersections.

Community Involvement

The [blinded for peer review] is a collection of researchers, policymakers, CJS professionals, autistic self-advocates, and parents and caregivers of autistic individuals of diverse and international backgrounds. This consortium revised the SIM, meeting biweekly over several months to develop a model that was more responsive to the specific needs and considerations of autistic individuals within the CJS. Consortium members emphasized the importance of including perspectives of victims within the model, and to expand the fourth Intercept to Prisons/Jails/Confinement to properly capture the wide array of detention facilities that autistic individuals may experience. These revisions occurred prior to this study as alluded to earlier.

Results

Study Sample Characteristics.

The 89 included articles are organized by Intercept in Table 1, which showcases the heterogeneity across all studies. A large proportion of research ($n = 28$) focused on Intercept 4 (Prison/Jails/Confinement), followed by Intercepts 1 (Law Enforcement; $n = 20$), 0 (Community Services; $n = 19$), 3 (Courts; $n = 19$), and 2 (Initial Detention/Investigations; $n = 18$) (see Figure 2). Fewer ($n = 8$) articles were included in Intercepts 5 and 6 (Re-entry to Society and Community Corrections), which were analyzed in tandem due to scant research at both Intercepts, as well as overlapping articles across this grouping. A sizable number ($n = 18$) were counted in multiple Intercepts (see Figure 2). A majority of articles had ties to the UK ($n = 52$), which was followed by the USA ($n = 30$). The Initial Detention and Investigations Intercept and Re-entry to Society and Community Corrections Intercepts were the areas where research was most concentrated to one nation (the UK in both instances). The most common study method employed was quantitative descriptive designs, followed by quantitative non-randomized, and qualitative studies. Mixed methods approaches and quantitative randomized control trials were infrequently used ($n = 14$). Given the diversity of methods, total numbers of participants ranged

substantially (see Supplementary Table 3). The smallest study population was a qualitative study with four individuals (Holloway et al., 2020), while the largest included 678,520 individuals in a secondary data analysis (Christoffersen, 2019).

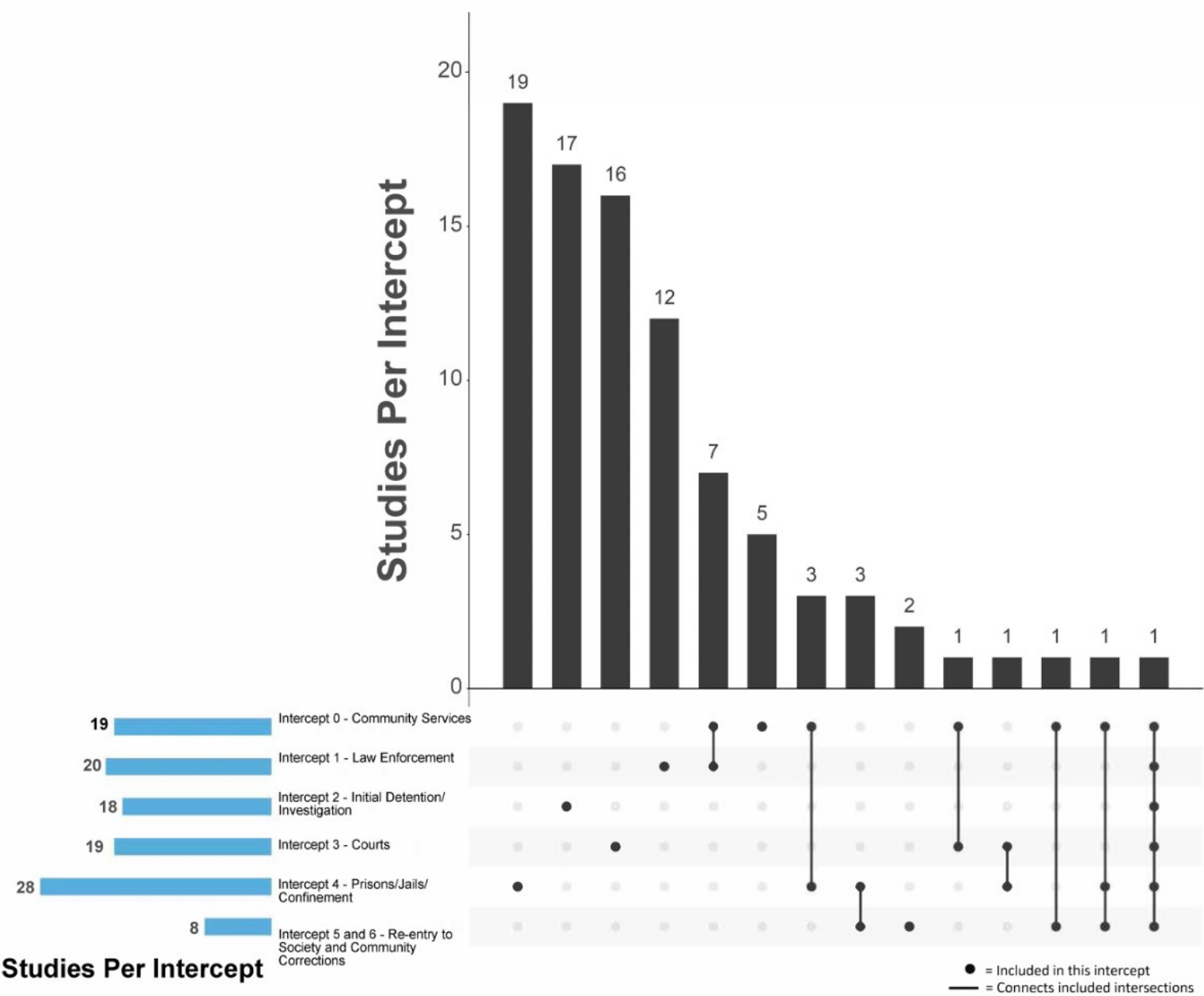
Table 1:

Literature Summary by Intercept

Intercept, (Article Count), Countries (Article Count)	Study Populations (Article Count)	Methods (Article Count)	Themes from Articles	Common Recommendations and Implications from Articles	Limitations
Intercept 0 – Community, Services (19) USA (8) Canada (3) UK (3) Norway (2) Australia (1) Denmark (1) Japan (1)	1. Offenders (14) 2. Autistic individuals in the community (8) 3. Victims (7) 4. Family/ Caregivers (3) 5. Justice system professionals (3) 6. Witnesses (3) 7. Undergraduate students (2)	1. Quantitative Descriptive (11) 2. Mixed Methods (4) 3. Qualitative (2) 4. Quantitative Non-Randomized (2)	1. Predictors of CJS involvement 2. Victimization	1. Enhance available community services and supports with clear system navigation 2. Increase education on preventing justice system interactions 3. Increase public knowledge of ASD to prevent misunderstandings that lead to justice system involvement	1. Small and selective samples 2. Limited generalizability 3. Reliance on parent report or lack of validating self-reports 4. Inconsistent inclusion of other co-occurring diagnoses 5. Lack of control for environmental factors
Intercept 1 – Law Enforcement (20) USA (10) UK (5) Canada (4) The Netherlands (2) Australia (1) Denmark (1) Germany (1) New Zealand (1) Norway (1)	1. Offenders (13) 2. Justice system professionals (11) 3. Victims (9) 4. Autistic individuals in the community (8) 5. Witnesses (5) 6. Family/ Caregivers (3)	1. Quantitative Descriptive (11) 2. Mixed Methods (6) 3. Qualitative (2) 4. Quantitative Randomized Control Trial (1)	1. Prevalence of police interactions 2. Autistic experiences with police 3. Police training	1. Improve and consistently implement police training 2. Develop stronger community services and supports to prevent offending 3. Provide non-police response to mental health crises 4. Create opportunities for ongoing collaboration between families and police 5. Prepare visible identification symbols for autistic individuals	1. Small and selective samples 2. Limited generalizability 3. Some articles relied on self-report or screened for autistic symptoms only
Intercept 2 – Initial Detention and Investigation (18) UK (17) Norway (1)	1. Witnesses (14) 2. Offenders (10) 3. Victims (7) 4. Justice system professionals (3) 5. Autistic individuals in the community (2)	1. Quantitative Non-Randomized (11) 2. Qualitative (4) 3. Quantitative Randomized Control Trial (3)	1. Interviewing autistic witnesses 2. Initial detention process	1. Adapt questioning techniques when interviewing autistic witnesses 2. Consider using appropriate tools when interviewing autistic witnesses 3. Implement changes to custody processes to address sensory needs of autistic individuals	1. Samples were small, selective, lacked diversity, and were potentially biased 2. Limited generalizability 3. Use of photos or videos (not live events)
Intercept 3 – Courts (19) UK (7) USA (7) Denmark (2) Austria (1) Japan (1) Norway (1)	1. Offenders (15) 2. Justice system professionals (7) 3. Mock jurors (5) 4. Witnesses (4) 5. Victims (3) 6. Family/ caregivers (1) 7. Autistic individuals in the community (1)	1. Quantitative Descriptive (8) 2. Quantitative Non-Randomized (5) 3. Qualitative (4) 4. Mixed Methods (1) 5. Quantitative Randomized Control Trial (1)	1. Influence of ASD on jurors 2. Influence of ASD on judges 3. Personal experiences	1. Increase ASD training and awareness for all legal professionals 2. Encourage disclosing an ASD diagnosis in court 3. Adapt and tailor court proceedings for autistic individuals	1. Small and selective samples 2. Limited generalizability 3. Use of mock jurors and simulated scenarios

Intercept, (Article Count), Countries (Article Count)	Study Populations (Article Count)	Methods (Article Count)	Themes from Articles	Common Recommendations and Implications from Articles	Limitations
Intercept 4 – Prisons/Jails/Confinement (28) UK (14) Sweden (5) USA (4) Australia (2) Norway (2) New Zealand (1) The Netherlands (1)	1. Offenders (24) 2. Justice system professionals (5) 3. Autistic individuals in the community (2) 4. Victims (2) 5. Witnesses (1)	1. Quantitative Descriptive (17) 2. Qualitative (6) 3. Quantitative Non-randomized (3) 4. Mixed-Methods (2)	1. Prevalence of autistic individuals 2. Characteristics and experiences of confinement	1. Promote access to mental health, disability services, and treatment options for detained individuals 2. Increase ASD training and awareness for all staff across all confinement settings 3. Institute processes to screen and diagnose individuals for neurodevelopmental disorders 4. Enhance coordination of information and assessments across settings 5. Leverage developmental histories to prevent crime before it occurs to reduce future confinement 6. Adapt prison settings to the sensory needs of autistic individuals 7. Consider community options in place of incarceration	1. Small and selective samples 2. Limited generalizability 3. Diagnostic information was not collected on all participants and at times relied solely on screening instruments
Intercepts 5 and 6 – Re-entry to society and Community Corrections (8) UK (6) Norway (1) USA (1)	1. Offenders (7) 2. Justice system professionals (1)	1. Qualitative (4) 2. Quantitative Non-Randomized (3) 3. Quantitative Descriptive (1)	1. Treatment 2. Formal and informal supports	1. Expand availability of professional supports to prevent offenses 2. For maximum benefit, design treatments around social rules and consequences 3. Increase training for support staff	1. Small and selective samples 2. Limited generalizability 3. Diagnostic information was not collected on all participants and at times relied solely on screening instruments or a parent report 4. Although their participation was anonymous and protected, some offenders were reticent to criticize treatment programs to researchers while they were currently undergoing the treatment

Intercept Placements



Intercept 0: Community Services

Articles at the Community Services Intercept precede an interaction with the CJS but drive CJS involvement or offer strategies to prevent contact. Nineteen articles (21.3%) had a focus at this intercept and predictors of CJS involvement and victimization were identified as key themes.

Theme 1: Predictors of CJS involvement

The predictors of CJS involvement theme features research that explores drivers and correlates of a CJS interaction. These are events and behaviors that occur prior to the involvement of law enforcement, but are associated with future CJS enmeshment. A key predictor of CJS contact evidenced by the literature is a lack of support or maladaptive supports. For instance, autistic individuals described a need for caregivers such as family or care staff to discuss their problems as a support that may have prevented them from committing an offense (Helverschou et al., 2018). A survey of parents of autistic children also attributed police contact to poorer access to services and living away from parents (Tint et al., 2017). A further example that showcases the impact of maladaptive supports revealed that obtaining an ASD diagnosis later in life and a history of physical abuse and neglect increased the likelihood of engaging in criminal behavior in a community sample (Kawakami et al., 2012).

Certain behaviors were also linked to CJS involvement and are detailed in the following studies. For example, in a large, nationally representative sample of youth enrolled in special education in the United States, Rava et al. (2017) determined that exhibiting externalizing behaviors correlated with police contact. In a sample of adults with Asperger's who accessed community services, Allen et al. (2008) found that offending behavior was linked to obsessive interests, social naivety, and a misunderstanding of laws. Payne et al. (2020) uncovered similar traits when analyzing self-reported motivations from autistic sex offenders. Copenhaver and Tewksbury (2019) further reported that a sizable number of police encounters occur because the autistic individual is wandering or missing.

Theme 2: Victimization

The victimization theme includes research that focused on autistic individuals as victims of a crime. Like the previous theme, the victimizing act in these instances occurred prior to an interaction with the CJS, but involved criminal acts that may have led to subsequent CJS involvement. Multiple studies at this theme found that autistic individuals are victimized at higher rates than neurotypical peers (Christoffersen, 2019; Richardson et al., 2016; Weiss & Fardella, 2018). For instance, Richardson et al., (2016) reported that half of a community sample of individuals on the spectrum and/or with a learning disability were victimized, and that these victims often blamed themselves and felt that they deserved it. Weiss and Fardella (2018) determined that autistic experiences of victimization span both childhood and adulthood and include bullying and sexual victimization, however risk factors were not identified.

Intercept 1: Law Enforcement

The Law Enforcement Intercept captures the initial interactions individuals have with CJS professionals, either as an offender, victim, or witness. It also includes studies that explored police preparedness and experiences responding to cases involving autistic individuals, or any training, supports, or tools to prepare police for an interaction with an autistic individual. Prevalence of police interactions, autistic experiences with police, and police training, were key themes of the twenty articles (22.5%) at this Intercept.

Theme 1: Prevalence of police interactions

This theme includes articles that focus on how often autistic individuals are interacting with the police in any capacity. Across all articles, the percentage of the sample of autistic individuals with police contact, though not necessarily an arrest, ranged from 7.9%-32.5% (Farley et al., 2018; Lunskey et al., 2015; Rava et al., 2017; Tint et al., 2017; Tint et al., 2019; Turcotte et al., 2018). Sampling from surveys yielded the widest range with 7.9% of autistic individuals identified in a statewide survey by Turcotte et al., (2018), and 32.5% from a smaller sample of 40 autistic adults without an intellectual disability in Canada by Tint et al., (2019). A smaller range of 16%-20% was identified in studies that were measured by a survey

administered to parents of autistic individuals in Canada, a follow-up to a previous cohort study by researchers at American universities, and through national databases (Farley et al., 2018; Lunskey et al., 2015; Rava et al., 2017; Tint et al., 2017). Across these studies, selection period and recruitment varied from twelve or eighteen-month intervals, across an individual's entire lifespan, or interactions by the age of twenty-one, impacting interpretation of the results.

Theme 2: Autistic experiences with police

Beyond the prevalence of police interactions, studies also illustrated the nature of police contact by describing personal experiences of autistic individuals. Across the included studies, experiences with the police were mixed, though they skewed negative, as the following articles demonstrate. For instance, Salerno and Schuller (2019) found that prior experiences with police led to distrust and fear, along with trauma and a reluctance to reach out in the case of a true emergency. Moreover, 42.3% of participants reported that police used excessive force, although the sample size was limited (Salerno & Schuller, 2019). Crane et al. (2016) noted similar levels of police dissatisfaction in a survey of autistic individuals in the UK, with qualitative responses attributing unmet needs and lack of knowledge and awareness of ASD by police as key reasons. In a search of news stories involving autistic individuals and police interactions, Copenhaver and Tewksbury (2019) found that nearly half of all outcomes were negative. In contrast to the previous articles that highlight troubling findings, Tint et al. (2017) and Tint et al. (2019) reported that parents/caregivers were largely satisfied with their autistic children's police interactions and noted that the police response provided a calming effect. However, it is important to note that parental reports may not fully capture the voices of individuals on the autism spectrum. Moreover, parents who reported that their autistic child had a police encounter noted greater levels of caregiver strain (Tint et al., 2017).

Theme 3: Police training

Literature indicates that police are often dissatisfied with their interactions with autistic individuals (Crane et al., 2016; Gardner et al., 2019) and seek training (Crane et al., 2016) that

helps them increase their ASD knowledge (Chown, 2010; Crane et al., 2016; Gardner et al., 2019; Kelly & Hassett-Walker, 2016; Railey et al., 2020) to identify autistic individuals while on the job (Railey et al., 2020). Articles at this theme discussed these training efforts, although, there is limited evidence available to determine if police training actually improves the quality and quantity of interactions with autistic individuals. For example, Gardner et al. (2019) noted that while officers who received ASD training felt more prepared, in practice it did not impact their overall preparedness or likelihood of using force. Teagardin et al. (2012) found that despite significant gains in ASD knowledge following a training, knowledge levels were still lacking.

Intercept 2: Initial Detention and Investigation

The Initial Detention and Investigation Intercept follows an arrest. Interactions can take place in a number of different settings but are predominately located in police stations. Themes of the eighteen articles (20.2%) in this Intercept encompassed interviewing autistic witnesses and the initial detention processes.

Theme 1: *Interviewing autistic witnesses*

This theme illustrates considerations and potential modifications to maximize the effectiveness of police interviews with autistic individuals. Research has shown that law enforcement interviewing practices associated with investigations and adjudication of criminal cases for typically developing witnesses may not be as effective with autistic witnesses and defendants and may even be detrimental. One example is that the cognitive interview used in CJS investigations is ineffective with autistic witnesses in both face-to-face and self-administered formats (Maras & Bowler, 2010, 2012; Maras et al., 2014). Given this obstacle, additional findings at this theme highlight strategies for autistic individuals to provide detailed and accurate testimony. For instance, supportive interview formats that narrow the parameters for recall in a non-leading manner with specific and cued questions showcase clear benefits when used for autistic individuals (Maras et al., 2020). Sketching has also been found to be a useful tool to enhance the accuracy of autistic witnesses in criminal investigations (Maras et al.,

2014; Mattison et al., 2018; Mattison et al., 2015). The use of trained and impartial intermediaries is emerging in England and Wales to help facilitate communication between autistic individuals and justice professionals. However, intermediary efficacy requires future research (Henry et al., 2017).

Theme 2: Initial detention process

The act of being detained can be filled with uncertainty, and studies at this theme describe the overall process and areas for adjustments for autistic individuals. Emblematic of this theme are the following articles. Holloway et al. (2020) explored the initial detention process through a participative walkthrough with autistic adults. Findings showed this setting to pose specific challenges for an autistic person through a myriad of sensory challenges and the amount of communication required was anxiety-provoking. Meanwhile, Parsons and Sherwood (2016) explained, police provide detainees vast quantities of written information regarding individuals' rights and entitlements that can be lengthy, confusing, and rife with jargon that limits accessibility. Parsons and Sherwood (2016) piloted WIDGIT symbol sheets as an accessible guide with pictures and simple language, finding them to be beneficial for both autistic individuals and CJS professionals.

Intercept 3: Courts

Intercept 3 focuses on the court system, where those accused of offending are tried as defendants and victims and witnesses may be asked to attend and testify. Twenty articles (22.5%) in total were included at this Intercept. Identified themes include the influence of ASD on jurors, the influence of ASD on judges, and personal experiences.

Theme 1: Influence of ASD on jurors

Several studies examined perceptions that jurors hold of autistic individuals within the context of courtroom decision making and if autistic individuals are viewed as credible witnesses. Articles in this theme detailed positive findings and important considerations for cases involving an autistic individual. For example, one study reported that mock jurors found

autistic witnesses as credible as neurotypical witnesses (Maras et al., 2019), although only a non-interactive portion of their videoed mock testimony was rated in this study. Encouragingly, several studies have shown that informing jurors about an individual's ASD diagnosis improves their perceptions of the autistic individual (Crane et al., 2020; Maras et al., 2019). However, a key consideration noted by Crane et al., (2020) is that it is important that jurors are aware that ASD is a spectrum and that each individual will present differently (Crane et al., 2020). As Berryessa (2017) described, expert witnesses could help guide this process and are useful resources to dispel ASD stereotypes and myths (Berryessa, 2017).

Theme 2: Influence of ASD on judges

Similar to the previous theme, this theme illustrates how judges' perceptions of autistic individuals influence their decision making. Findings at this theme suggested that knowledge of an individual's ASD diagnosis has benefits. Berryessa (2016) reported that in cases where autistic individuals are criminal defendants, judges prefer sentences that provide treatment and resources (Berryessa, 2014a). This matches the finding that autistic youth are more likely to have their cases diverted than face prosecution (Cheely et al., 2012). Nonetheless, research also determined that judge's sentencing decisions may be impacted by media presentations of ASD that often depict autistic individuals as prone to criminal behavior (Berryessa, 2014a).

Theme 3: Personal experiences

Some studies also shared autistic individuals' perceptions of their court experiences, which were overwhelmingly negative across studies. Examples included the findings of Helverschou et al., (2018) in which autistic individuals reported their experiences in court as challenging and stressful, and felt they were not given the opportunity to explain themselves (Helverschou et al., 2018). Another prime example was from Maras et al., (2017) who found autistic individuals were frustrated with their defense attorneys and that few adjustments were made for communication and sensory challenges (Maras et al., 2017). Beyond autistic individuals, legal professionals also reported challenges working with autistic clients. In

particular, George et al., (2018) found that legal professionals reported having difficulty knowing what adjustments to make to best support autistic clients regardless of their overall knowledge of ASD.

Intercept 4: Prisons/Jails/Confinement

Autistic offenders may be detained in a variety of settings beyond a traditional prison or jail, including forensic hospitals. Themes for the 28 articles (31.5%) in Intercept 4 were prevalence of autistic individuals, and characteristics and experiences of their confinement.

Theme 1: Prevalence of autistic individuals

This theme categorizes any article that reported on the percentage of autistic individuals confined at a single setting. Although across a variety of confinement settings, including prisons, juvenile detention centers, and forensic hospitals, the prevalence of autistic individuals ranged from 2% to 17% (Anckarsäter et al., 2008; Billstedt et al., 2017; Hofvander et al., 2019; Lindsay et al., 2014; Ståhlberg et al., 2010; Sullivan et al., 2017; Underwood et al., 2016). Prevalence of ASD across settings varied by sampling strategy. The highest percentage (17%) of autistic individuals in a single confinement setting were children in at a Swedish juvenile justice facility (Ståhlberg et al., 2010). On the other hand, the National Longitudinal Transition Study – 2, a USA survey, showed that only 2% of children on the spectrum were involved in the juvenile justice system and lived in a correctional facility (Sullivan et al., 2017).

Theme 2: Characteristics and experiences of confinement

Similar to other Intercepts, quantitative prevalence counts were supplemented with research detailing personal experiences of autistic individuals. Across studies, the experiences of autistic prisoners varied, though the majority of experiences were negative. One study reported that autistic prisoners enjoyed their time in prison due to a rigid structure and set of routines, as well as the interactions they had with other prisoners (Helfverschou et al., 2018). However, this diverges heavily from other findings that autistic prisoners sought privacy, experienced victimization from other inmates, and were more likely to self-harm (Esan et al.,

2015; McCarthy et al., 2019; Newman et al., 2015). Autistic individuals in prison settings also expressed a need to create routines in order to regain structure and balance, and self-isolate from other prisoners to avoid social interactions, as evidenced by the findings of Newman et al., (2015).

Intercept 5 and Intercept 6: Re-entry to Society and Community Corrections

Re-entry to society and community corrections include transition planning towards the end of sentences, immediate needs upon release, and probation and parole. These Intercepts were analyzed in tandem due to scant research at both Intercepts (n=8), and overlapping themes and content. Re-entry to Society focuses on the immediate transition from confinement settings, and Community Corrections includes services and supports provided by the CJS that are focused on preventing autistic offenders from reoffending. Treatment and formal and informal supports were key themes.

Theme 1: Treatment

As autistic individuals transition from confined settings back to the community, some articles looked at rehabilitation programs that provided treatment in order to reduce the likelihood of reoffending. Although findings at this theme were positive, it is less clear if these programs showcase an evidence base to prevent recidivism. In one instance, Melvin et al. (2020) detailed an adapted sex offender program implemented with autistic individuals detained in secure services and those released to the community. Nine of the thirteen participants found that the program offered social benefits and professional support. The impact the program had on reoffending remains unclear, however, as ten individuals continued to display offending behavior in spite of the benefits of the program. Similarly, Langdon et al. (2013) evaluated the Equipping Youth to Help One Another Programme (EQUIP) with convicted individuals with developmental disabilities, including Asperger's. Participants in EQUIP demonstrated improvements to moral reasoning and problem-solving skills, but the program did not show any significant impact on anger.

Theme 2: Formal and informal supports

The formal and informal supports theme includes structures in place that ease transition to the community and prevent recidivism. Emblematic examples include findings by Helverschou et al. (2018) and Ashworth and Tully (2017). The former explored the personal experiences of autistic individuals throughout the entire CJS, and reported that autistic individuals residing in a sheltered home or residential facility after being convicted of a criminal offense enjoyed their living arrangement, and that support from care staff and family was key to reducing recidivism (Helverschou et al., 2018). The latter offered a training for probation officers, social workers, and case managers to best support autistic offenders across re-entry and community settings. Results indicated a significant increase in ASD knowledge and confidence in working with autistic populations, and the most effective aspects of the training included strategies and approaches for practice and situated examples within criminal contexts (Ashworth & Tully, 2017).

Discussion

This systematic review focused on ASD and CJS intersections at all stages of the CJS. As an interconnected, yet highly siloed system, it is critical that research explores every facet of the CJS for maximum impact and efficiency. In total, 89 international studies were included in this review. Given the scope of this review and international focus, this represents a limited body of research, indicating that more research is needed across all Intercepts in order to replicate findings across populations and identify additional evidence-based opportunities. Nonetheless, anchoring this literature within the revised SIM and identifying themes within each Intercept showcase where previous research has been focused and serves as a springboard to catalyze future research in a streamlined and effective manner that builds on existing knowledge. It also presents distinct opportunities for policy and programmatic development at key CJS junctures, which are presented at each Intercept, along with cross-Intercept implications.

Intercept 0: Community Services

At the Community Services Intercept, two themes were identified. The first covers predictors of CJS involvement and reveals that a lack of services and supports is a key driver for future contact. Community remains fundamental to reducing, improving, and preventing CJS interactions. The Community Services Intercept has been called the “ultimate Intercept” as it shifts the paradigm from punishment to addressing the multiple factors that contribute to justice involvement (Bonfine et al., 2020). As such, evidence suggests increasing access and capacity for robust and effective community service options is critical. However, to maximize effectiveness, further research regarding localized needs assessments for community service providers is needed to help illuminate where investment is needed across diverse communities. Clear guidelines and supports are also vital to help individuals and families access and navigate complex systems, and break down barriers that disproportionately impact racial and ethnic minorities and low-income individuals and families (Smith et al., 2020).

Education and safety planning in school and transition planning is also needed to help prevent and address behaviors associated with justice system interactions. This can also help combat the disproportionately high rates of victimization evident in the results, and educate the general public. This review identified patterns indicating that when autistic individuals engage in behaviors linked to offending, obsessive interests, social naivety, and a misunderstanding of laws are influential factors. Although there is limited research examining compliance and social vulnerability in relation to bullying in schools (Chandler et al., 2019; Sofronoff et al., 2011) specific factors undergirding criminal victimization remain unclear, and highlight a need for future research. Research has found that knowledge of ASD is lacking amongst the general population (Brewer et al., 2017; Mogavero, 2019) and increasing ASD awareness could positively impact victimization rates (Morrison et al., 2020; Sasson & Morrison, 2019). The same can be said for decreasing or eliminating sensationalized media portrayals that paint autistic individuals as more violent (Weiss & Fardella, 2018), which put autistic individuals at further risk for a CJS interaction (Farley et al., 2018). Stronger policy safeguards should also be enacted as

further protection for autistic individuals. This could include increased opportunities for meaningful participation of autistic adults that strengthen ties to their community, and more active involvement of autistic individuals in victim service programs.

Intercept 1: Law Enforcement

Three themes were located at this Intercept, including the prevalence of police interactions. Accordingly, autistic individuals interact with police at high rates and in situations that may result in negative and traumatic responses (Copenhaver & Tewksbury, 2019; Salerno & Schuller, 2019), and often end unresolved or without an arrest (Lunsky et al., 2015; Rava et al., 2017; Salerno & Schuller, 2019; Tint et al., 2019). There has been an increased focus on systemic racism, police practices, and criminal justice reform, which is creating a policy window for meaningful and substantial changes. Given that this analysis found that police encounters are causing high rates of trauma amongst autistic individuals, policy and practice changes should focus on reducing contact with the police as much and as safely as possible. The broader social movement has created significant momentum and is informing the design and implementation of alternative responder models. One such example, which can be replicated for autistic individuals, is to have mental health professional teams respond to behavioral and mental health crises and noncriminal acts, and only if necessary coordinate with police to determine if and why a police presence is needed. More research is needed to identify optimal first responder models, and this should include an emphasis on scaling and replicating to local contexts. Emerging alternative first responder models are showing promise. One example is CAHOOTS (Crisis Assistance Helping Out On The Streets), a program in Oregon, USA, that has been in place for more than 30 years and demonstrates efficacy, cost savings, and can be safely deployed in other cities eager to replicate it (Pollack & Watson, 2020; Westervelt, 2020). Adaptation and replication of models like CAHOOTS could dramatically reduce the risk of police violence, while improving equitable justice and public safety.

Intercept 2: Initial Detention and Investigation

Across themes, findings from this review highlight that autistic individuals provide accurate evidence when interviewed in investigative police settings, if interview strategies are appropriate. Evidence points specifically to the adaptation of interview techniques, such as the use of open-ended questions without parameters, to collecting detailed and accurate testimony with narrowed parameters of retrieval in a non-leading manner (Maras et al., 2020), along with other tools, such as sketching (Mattison et al., 2018; Mattison et al., 2015) as emerging best practices. Further research in this area is crucial given that social and communication differences may cause autistic witnesses to be more compliant to interviewer demands (Chandler et al., 2019), and previous research suggesting that individuals with mental illness make false confessions at high rates (Volbert et al., 2019).

England and Wales have recently implemented intermediaries and Appropriate Adults (AA) to help bridge social and communication barriers present during both a police interview and the initial detention process. Intermediaries are utilized as trained and impartial experts that conduct assessments of an individual's communication needs to provide person-centered strategies that guide CJS professionals in obtaining evidence. AAs can be a parent, relative, friend, or professional who assists a detainee so that they are clear on the custody process and to facilitate communication in the interview. AAs must be present when detained individuals are read their rights and entitlements to ensure they are communicated. While the use of intermediaries and AAs has been suggested in the literature (George et al., 2018; Maras et al., 2017) their efficacy should be studied in future research as noted by Henry et al., (2017). Evaluating wider roll out of these initiatives could support protecting the legal rights of individuals with social and communication differences, including ASD.

Although rarely included in research, the Initial Detention and Investigation Intercept may offer opportunities to divert autistic individuals out of the CJS in situations where appropriate. Programs should be developed to offer alternatives to traditional detention processes, and provide clear guidelines for when it is appropriate to utilize these programs. Continued

evaluation of these programs will be vital, but they present a distinct opportunity to steer autistic individuals out of the CJS.

Intercept 3: Courts

Results from this review illustrate that initial research has found that juries are just as likely to believe autistic witnesses when ASD is disclosed, and may even view ASD as a mitigating factor (Berryessa, 2016; Berryessa et al., 2015; Maras et al., 2019). Judges appear more likely to provide more lenient sentences and perhaps divert cases out of court altogether (Berryessa, 2016). Based on autistic individuals' experiences in courts, there are a host of sensory challenges that may hinder meaningful participation, cause additional anxiety, and can exacerbate social and communication challenges. Making simple modifications to environments may ease stress and allowing autistic individuals to visit courtrooms before trial could produce familiarity and comfort. Additional adjustments to ensure and facilitate effective communication should be researched, including the use of intermediaries, and there may be immediate opportunities to adopt, adapt, and expand these promising models (Cooper & Mattison, 2017).

A key consideration missing from the literature that calls for attention are plea bargains which, at least in the USA, account for over 90% of decisions in federal criminal cases (Gramlich, 2019). Therefore it is crucial that defense attorneys properly counsel autistic defendants and that judges are confident that the autistic defendant fully understands the scope and gravity of pleading guilty.

Intercept 4: Prisons/Jails/Confinement

This review indicates that autistic individuals are detained in prisons/jails/confinement settings at high rates; despite potentially being best served through community options instead of incarceration. Across various confinement options (e.g. prisons, forensic hospitals), access to mental health, disability services, and treatment options is paramount for individuals in confined settings, and research recommends enhanced coordination of diagnostic information and assessments across settings to aid implementation (McAdam, 2009; McCarthy et al., 2015). A

standardized and easily administered screening tool may help identify individuals with specific needs, including ASD, and alert correctional officers and staff that further assessment and services are necessary. Future research is crucial to guide the design and implementation of these assessments, which should occur upon intake.

Results further reveal that custodial settings also pose many sensory challenges for autistic individuals. Specialized units adapted to the sensory needs of autistic individuals should be considered, as they may help protect against the high rates of victimization that autistic individuals face while incarcerated. Reducing victimization may also improve the elevated instances of self-harm events by autistic individuals in confinement settings. Future research is needed to inform the structure for designing and implementing specialized units to protect the safety of autistic individuals who are confined.

Intercept 5 and 6: Re-entry to Society and Community Corrections

The limited research at Intercepts 5 and 6 signals a call to action to prioritize supporting autistic individuals re-entering society from a prison/jail/confinement setting and enhancing community supports that reduce the risk of recidivism. Research is needed that could form a base for programs that connect autistic individuals to life domains including health care, housing, food access, and employment, especially since the impacts of stigma that formerly incarcerated autistic individuals face are multi-dimensional. Both Langdon et al. (2013) and Melvin et al. (2020) highlight promising rehabilitation programs adapted specifically for autistic individuals and those with intellectual or developmental disabilities; however, their efficacy is still a question for further research. Regardless, this is a key area of the CJS for research to focus on, as a supported transfer to the community can help reduce reoffending and properly reintegrate autistic individuals into society.

Cross-Intercept Implications

The results further suggest that there are implications for policy, practice, and future research that impact every Intercept of the CJS. One such example is disclosure. Disclosing an

ASD diagnosis is a deeply personal decision that varies by preference and experiences, and may even occur without the consent of the autistic individual. Despite this heterogeneity, the potential impact of disclosure crosscuts all Intercepts with implications for improvement at each step of the CJS. Disclosure may be especially important at Intercept 1 (Law Enforcement), where research suggests that officers respond more appropriately when learning that an individual has an ASD diagnosis (Allen et al., 2008; Railey et al., 2020; Salerno & Schuller, 2019; Tint et al., 2017). Similarly, when victims disclose an ASD diagnosis they may be better directed to services and supports, if they exist (Crane et al., 2016). Disclosure of ASD in court also leads to more positive perceptions amongst jurors and helps contextualize social and communication differences that a juror may have previously mischaracterized (Berryessa, 2014b; Berryessa, 2018; Berryessa et al., 2015; Maras et al., 2019). However, there is documented reticence from the ASD community to disclose their diagnosis, and whether to disclose a diagnosis can be complicated and highly personal (Crane et al., 2016). Regardless, ways to support disclosure when it is preferred, such as, but not exclusively, visible identification symbols that can alert justice system professionals that they are interacting with an autistic individual (Copenhaver & Tewksbury, 2019; Railey et al., 2020) should be developed and encouraged. Input from diverse groups of autistic individuals, including through research studies, is a top priority for identifying further directions for disclosure.

Moreover, equipping CJS professionals at all stages with role-specific training about interacting with individuals with social and communication needs is frequently recommended in the literature. For example, police officers trained to better recognize the signs of ASD can make adjustments such as speaking in shorter sentences and giving the autistic individual more time to respond without assuming guilt, which may differ from typical practices. Police officers can also be taught specific adaptations to procedures or how to interview an autistic witness to minimize coercion, misdirection, or leading questions (Soukara et al., 2009). Court professionals can learn ways to communicate more effectively with autistic individuals and facilitate

communication by autistic individuals both in and out of court, and specific best practices can be developed for the differing roles that defense attorneys, prosecutors, judges, and court staff hold. With increased ASD knowledge and understanding, corrections officers and detention staff could better support vulnerable, autistic individuals in confinement settings who are more likely to be victimized. Finally, community corrections and support staff would also benefit from increased opportunities for ASD training in order to craft individualized and effective treatment opportunities. In fact, training for police and other CJS professionals on identifying and interacting with individuals with social and communication needs may support improvement across multiple groups beyond autistic individuals.

Research that includes autistic individuals' preferences and experiences, as well as CJS professionals, is needed to establish an evidence base regarding the content, format and efficacy of such training by examining outcomes after a training is completed. For role-specific training to lead to real change, some CJS professionals may need to reverse years of ingrained and internalized behaviors. A standalone, didactic training may increase overall knowledge without leading to actual behavioral change (Beidas et al., 2009). CJS training would be most effective if it is interactive in nature and includes members of the ASD community. It is also critical that content is tailored to specific roles that CJS professionals perform, in addition to providing information about social and communication needs. Although ASD is a spectrum, and recognizing it in individuals is challenging due to varying presentations, training programs would benefit by discussing policies for improving the identification of broader social and communication needs (including an understanding of the nuances of diagnosis disclosure preferences) and strategies to support them. Training should also address misconceptions related to ASD, potential misinterpretations of the behavior of individuals with ASD or social and communication needs, and be designed to keep pace with the needed and growing knowledge base about autistic adolescents and adults.

This systematic review also illuminates the international scope of existing ASD and CJS research across all Intercepts. The reason that some countries were featured more prominently in the captured articles is outside of the scope of this paper, although it warrants more detailed examination in future research. By categorizing the current literature base by the SIM, leading countries by subject matter emerge. For instance, the findings of this review reveal that the UK is a prime source for research on ASD and CJS intersections, particularly at the Initial Detention and Investigation Intercept. Other nations should examine current practices in the UK and replicate research strategies and findings in their countries, bearing in mind the variations in the CJSs of different jurisdictions both between and within countries.

Consistent research limitations were evident at each Intercept. The majority of research included small, selective, and homogenous samples that are predominately white and male, which limits generalizability to the wider autistic population. In fact, no studies in this systematic review examined the impacts of race on CJS involvement among autistic individuals, beyond reporting demographic characteristics in study samples. Nor did any study examine the impact of other social determinants of health along with ASD on CJS interactions. Given that systematic racism drives an overrepresentation of Black and other people of color in the CJS and increases the risk of police violence (Bell, 2017; Bishop et al., 2020; Hetey & Eberhardt, 2018; Owusu-Bempah, 2016), this is a grave research need and an urgent priority. This is further compounded by the fact that BIPOC autistic individuals experience disparate diagnosis and service outcomes (Angell et al., 2018; Mandell et al., 2009; Smith et al., 2020), which this review finds is associated with a greater likelihood for future CJS contact.

Systematic Review Limitations

Strengths of the current literature review include its size, scope, and organizing framework, but it also has some limitations. First, it is possible that the identified search terms did not encapsulate the entire CJS. This may be especially true in the later stages, such as Intercepts 5 and 6, where research is very limited. The research team did not perform hand-

searching of articles, and relied on the systematic search of multiple databases. The research team also did not have access to all articles captured, which removed some from a full-text screening (although these articles may not have ultimately met inclusion criteria).

The international scope of this literature review is another strength that also leads to challenges given varying CJS structures and services and supports available for autistic individuals by country (and perhaps, by jurisdiction within a country). Some articles utilized national datasets and survey approaches, which may not result in the same implications across nations. Meanwhile, some research findings may be influenced by country-specific CJS policies; controlling for each of these nuances across every nation that published each paper was beyond the focus of this paper. Articles that focused on children, adults, or both children and adults were also all included, although in many countries the CJS frames priorities for these populations differently (Reichel & Albanese, 2016).

Conclusion

As autistic individuals interact with the CJS at high rates, and their experiences are influenced by social and communication differences that can exacerbate negative outcomes, it is crucial to establish an evidence base for reform. This systematic review is the first to catalog the scope of research on ASD and CJS comprehensively. It also offers a framework to structure research priorities across Intercepts while synthesizing existing knowledge and illuminating gaps that require further study. The evidence base highlighted by qualitative, quantitative, and mixed methods research outlines distinct opportunities for policy and programmatic development, and areas for future research. Anchoring this evidence base within the SIM provides increased precision for leveraging the implications of these findings. Ultimately, the need for next steps in research, policy, and practice should utilize comprehensive frameworks, like the SIM, to work toward equitable justice for autistic individuals.

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